

From the Urbana Citizen of June 7. Temperance Law Decision.

Since the date of our last publication, we have had several new cases under the liquor law, and some strange proceedings on the subject. Chief Justice Corwin, of the Supreme Court, being in town on Saturday last, two persons confined in jail for selling liquor contrary to law, were brought before His Honor on habeas corpus, and discharged from custody. The decision of the Chief Justice, on this occasion, was probably one of the most remarkable and extraordinary ever delivered by any Judge, high or low, in this or any other country. In giving his decision, he lost sight of the dignity of his station and descended to the low and vulgar gasconade of a bar-room politician.

We were not in attendance at this interesting session of the Supreme Court, but all we have heard speak of it agree in the opinion that the conduct of the Judge was anything but manly or dignified, and that he certainly must have been a good deal "howcome-you-so." A gentleman who was present and took notes of the sayings and doings of His Honor, has furnished us with the following statement, which is fully corroborated by others, and may be relied upon as being substantially correct:

Having heard, on Saturday last, that Chief Justice Corwin was hearing a case brought before him by a writ of habeas corpus, I entered the court room, and behold there was His Honor in the Judicial seat. His face shone with unusual brilliancy, looking like the setting sun, when the western sky is red and lowering. He evinced a great deal of restlessness, while the younger Mr. Corwin was arguing the case for the State, interrupting him frequently and serving the defendants sometimes in the capacity of witness, and at other times in the capacity of advocate. I must say, however, that his brother fairly beat him in the argument, and showed that the signatures of the Speakers of the two Houses in the Ohio Legislature, the certificate of the Secretary of State, and the publication of the law by authority of State, afforded better evidence of the regular passage of the law, than could be brought against it. The court testified that he had examined the Journals of the Legislature, and knew that the law was not passed in the manner prescribed by the Constitution; and this was the ground on which he discharged the prisoners. In giving the decision he stated that he wished to be reported correctly.

The court hated all such legislation in his heart. It was demoralizing in its tendency. The legislature had as much right to enact laws regulating the use of beef-steak and onions as they had to legislate about the use of whiskey. The court held that no judicial officer should withhold the right of habeas corpus; that this was the bulwark of our liberty, and should never be denied to a suffering party; that he had never read the law, and that he never would read it. He despised the law, and he despised the men who had passed it; that they never intended that it should be a law; that at the seat of government and the large cities no attention was paid to it; that it was only in small places, where mean men lived, who could not bear to see their neighbors enjoy themselves, and who would get up excitement on such questions, which should be put down; and he would be unworthy of his place, if he did not meet and decide the case.

The court held that the Legislature had authority to pass a law to prevent the evils arising from the sale of intoxicating drinks; that the law in question was just such a law. It was not a prohibitory law, and if it had been passed in accordance with the provisions of the Constitution, it should be enforced. But it had not been passed according to those provisions, and was therefore no law. He would therefore discharge the prisoners, who had been improperly sentenced under it.

Not wishing to do Judge Corwin injustice, we give him the full benefit of a statement of the case, furnished by a personal friend of his, and which was no doubt revised and approved by himself. The offensive language used by the Judge, given in the first statement, is omitted in this. We suppose, upon second sober thought, it was deemed advisable to omit this. Here is the statement:

The Judge, after premising a few remarks in opposition to that class of legislation which prescribes what a man shall eat and what he shall drink, and wherewithal he shall be clothed, proceeded to say, that government has discharged its functions when it provides for the protection of the citizen's personal liberty, personal security, and private property.

It has been urged here, in favor of sustaining the law under consideration, that Judge Warden of Columbus, had caused to be published an elaborate opinion, fully sustaining the constitutionality of the law; and that this opinion is fully concurred in by Judge Swan and John W. Andrews, Esq., of Columbus. It is sufficient to say of this argument, that these gentlemen received a handsome fee for the utterance of that opinion, and have been known to prosecute for violations of the law under that opinion.

The Constitution of the State of Ohio, Section 8th of the Schedule, is as follows:

"No license to traffic in intoxicating liquors shall be hereafter granted in this State, but the General Assembly may, by law, provide against the evils resulting therefrom."

From this it is evident that the Constitution of the State of Ohio sanctions the traffic in "intoxicating liquors," but at the same time the General Assembly is authorized to provide against the evils resulting from the sale of intoxicating liquors. Without, however, stopping to consider whether this is a prohibitory law, or a law merely to provide against the evils resulting from the traffic, the Constitution further provides, Art. 2d, Sec. 16, that every bill shall be fully and distinctly read on three separate days, unless in case of urgency three-fourths of the House in which it shall be pending, shall dispense with this rule.

The journals of the Senate and the House of Representatives, are, by law, public records, and contain the evidence of the legality or illegality of the acts of the Legislature. By referring to the journals of the Legislature which adopted this law, it will be discovered that the pretended law was not adopted in accordance with the requirements of the Constitution. It was read but once in the Senate.

The old constitution contained no provision against the evils of hasty legislation; and the restrictive measures embraced in the new constitution, are part of the remedies which were designed to be corrected in the new constitution. This law then, not having been passed in accordance with the requirements of the constitution, is not law.

If either the executive or legislative departments of the government violate, disregard or refuse to observe the requirements of the constitution, it belongs to the judicial department to enforce their observance, and protect, by process, every citizen for their violation.

The relators must therefore be discharged.

Horrible Accident on the Susquehanna Railroad.

On Tuesday afternoon the regular train for York left Calvert station, consisting of four passenger cars and a baggage car, all with the exception of the last well filled with passengers. On arriving at the Relay House the York train, according to orders, proceeded to lay off on the Green Spring switch, where the instructions were that it should wait until the excursion train or trains passed. The express train from York had been thrown out of time and was waiting at the Relay, and after it had passed down, the excursion train of about sixteen cars, crowded to excess, passed down without giving any information to the conductor that two other trains were coming, which unfortunately proved to be the case. The road being now supposed to be clear, the York train again took the main track and proceeded on, and had scarcely got fully under way, when about three-quarters of a mile from the relay, a terrible crash accompanied by a rush of steam brought all who were uninjured to their feet, and on escaping from the wrecked cars a most heart-rending scene presented itself, but it was impossible to describe it in all its forms. Immediately in advance a train consisting of two passenger cars and their ten burthen cars, which had been fitted up to carry passengers, all of which were filled to over-

flowing. This train was backing down towards Baltimore, the locomotive being at the rear and the two passenger cars at the head of the train. The locomotive on the York train was going ahead in its usual position, and although neither train was moving at extra speed, the two passenger cars at the head of the excursion train offered little resistance, and were completely crushed together. The rear car passing entirely through the foremost one, and both being filled with passengers the destruction of life and limb was almost unprecedented. The center foremost car was filled with the dead, and dying, and wounded, all wedged together in one mass with the fragments of the car and the seats so compact that it required a half hour's time, and the use of axes to rescue the wounded. A number of females and children were taken out from among the dead scarcely injured, whilst through the floor of the car could be seen the protruding limbs of some who had been instantly struck dead. Among the dead was Mrs. Robertson, a young and beautiful woman, and Henry Clay Jeffers, a bright and beautiful boy. The bodies of whom were so wedged among the fragments of the two cars which had run through each other like a telescope, that it was impossible to extricate them without hauling off the fragments of the upper car by the locomotive which was also necessary to release the large number of unfortunate creatures who still remained wedged between the forward cars, some still alive and others dead.

In removing the cars Mrs. Robertson's body was literally torn to pieces, but in the effort to recover those in whom life still remained, it became necessary to disregard the dead. On the platform at the head of the excursion train, four men were caught by the fore part of the engine, two of whom were instantly killed, and the other two were held fast by their limbs, suffering the most excruciating agony, and almost roasted by the smoke-pipe of the locomotive; both fainted from exhaustion; one of them subsequently died. Two or three were instantly killed, also, on the front platform of the York train; one of whom was Benjamin Merryman, the baggage master. The accident occurred at twenty minutes past five o'clock, and it was half past seven o'clock before the last body was taken from the wreck. Messengers were sent to the city for relief, and physicians were soon on the ground, and also were a number from the vicinity, who labored unremittingly to relieve the sufferings of the unfortunate creatures strewn about.

The trains from the city did not reach the scene of the accident until after eight o'clock at which time there were about three thousand persons awaiting conveyance home—all the excursionists having arrived from the scene of their festivities to the scene of death. The first train carried on the women and children, and the second the wounded, who were all taken to the infirmary for medical assistance, and reached the city about 12 o'clock, at night—some of them suffering intensely. Not less than a thousand of those that escaped injury walked home by the Falls road, many carrying their children in their arms through the heat and dust for nine miles. The dead bodies were brought in about one o'clock at night, and when spread out on the platform of the depot presented a spectacle of the most horrible character. Twenty-eight are now dead. A number of wounded are still expected to die.

The coroners' jury rendered a verdict charging the cause of the accident to carelessness on the part of the conductor, William Scott, and to gross negligence on the part of the officers of the Company in failing to give their rules in more explicit language.

GOOD NEWS FROM TURKEY.—At last, we have some encouraging news from the seat of war. Turkey seems able to dispense entirely with the useless armies which England and France have landed in various parts of Turkey, remote from the seat of war, where it was impossible for their soldiers to do anything but devour the stores of the Commissariat, and die of the fever of the country. Having long successfully defended Silistria against the Russians, exhibiting a degree of courage and gallantry

which will hardly be surpassed by their allies, if they should ever get to smell gun-powder—they have at length compelled the enemy to raise the siege and retire across the Danube. This is the greatest achievement of the war, and will cause a thrill of delight wherever in the world there is a hater of Russian injustice.

The continued success of the Turkish arms can hardly be regarded with satisfaction by the Allied Powers. The immense parade they have made, first of diplomacy, then of armies, has all resulted in nothing. Turkey has gone on quietly and steadily, defeating the enemy in every engagement, while the armies of England and France have been endeavoring to recover from the fatigues and sufferings of a sea voyage, in the camps of Gallipoli and Constantinople. As Turkey has shown her ability to defend herself, perhaps the English and French exchequers may be saved from further depression, by the glorious return of their soldiers, without striking a blow. At any rate, so far as any good they have done to Turkey is concerned, they might almost as well never have set foot on Turkish soil.—[Cin. Gazette.]

CANADAS.—In a recent debate in the British House of Lords, on a motion to repeal the clauses in the Union Act, which prohibit legislation by the Canadian Parliament on the subject of a legislative council, so as to leave the Colonial Legislature entirely free to act in the creation of a second chamber,—the Earl of Ellenborough took occasion to propose that a consultation should be held with all the North American colonies on the expediency of taking measures for the complete release of the Colonies from all dependence on the crown and parliament of Great Britain. The Duke of Newcastle expressed his astonishment at the proposition. Lord Brougham was in favor of it. No action was taken on the subject, and it will be suffered to rest for the present.

The principal reason given for this move was to lessen the chances of collision with the United States. In case of war, the Canadas would fall an easy prey to the present colossal power of the Republic, and a war with this country would be considered a calamity under any circumstances at this time. The whole looks like leaving the question of annexation to the people of the Provinces and the people of this country.—If left to themselves, the Provinces will not be in a hurry to surrender their separate existence.

NEW HAMPSHIRE.—After the election this spring, the administration claimed a majority in the lower House in this State. This was denied, but the friends of Gen. Pierce appealed triumphantly to the body itself when it should be in session. Well it has been in session, and besides electing an anti-administration Printer to the House, and defeating the election of the two U. S. Senators who voted for the repeal of the Missouri Compromise, they have passed a series of resolutions to the following effect:

1. Against the introduction of slavery into free Territories—160 to 118.
2. Against the repeal of the Missouri Compromise—155 to 119.
3. Approving the course in Congress against the Nebraska bill, of Messrs. Kittredge and Morrison—156 to 110.
4. Repudiating their Senators in Congress, and Harry Hibbard of the House, for supporting the Nebraska bill—152 to 117.

And worse than all, right in the face and eyes of the law of the State against cruelty to animals, they have resolved to present a copy of these resolutions to President Pierce! O, cruel New Hampshire!—[O. S. Journal.]

Judge Warden, of Columbus, one of the best lawyers in Ohio, has published an elaborate examination of the new liquor law.—He pronounces it constitutional in all its sections, and notwithstanding its disgraceful grammar and defective collocation, its evident meaning and intent cannot be mistaken, and the courts will hardly construe it to defeat the legislative intention and the public will. Judge Swan and his partner Andrews, have appended a note to Mr. Warden's opinion, in which they say that they fully concur therein.